



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

21269 7590 03/20/2009

PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219

EXAMINER

ROSARIO, DENNIS

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 03/20/2009

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/840,239

05/07/2004

Timothy L. Robinson

134779.11801

7593

TITLE OF INVENTION: SYSTEM AND METHOD FOR UPGRADING BIOMETRIC DATA

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | YES | \$755 | \$0 | \$0 | \$755 | 06/22/2009 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

21269 7590 03/20/2009

**PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

| |
|--------------------|
| (Depositor's name) |
| (Signature) |
| (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/840,239 05/07/2004 Timothy L. Robinson 134779.11801 7593

TITLE OF INVENTION: SYSTEM AND METHOD FOR UPGRADING BIOMETRIC DATA

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|-------------|--------------|---------------|---------------------|----------------------|------------------|----------|
|-------------|--------------|---------------|---------------------|----------------------|------------------|----------|

nonprovisional YES \$755 \$0 \$0 \$755 06/22/2009

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|----------|----------|----------------|
|----------|----------|----------------|

ROSARIO, DENNIS 2624 382-115000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/840,239 | 05/07/2004 | Timothy L. Robinson | 134779.11801 | 7593 |

21269 7590 03/20/2009

PEPPER HAMILTON LLP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH, PA 15219

EXAMINER

ROSARIO, DENNIS

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 03/20/2009

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 609 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 609 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

| | | | |
|-------------------------------|------------------------|---------------------|--|
| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/840,239 | ROBINSON ET AL. | |
| | Examiner | Art Unit | |
| | Dennis Rosario | 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/22/09.
2. ☒ The allowed claim(s) is/are 1,4,5,9,10,12-15,31 and 32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>1/10/05 1/13/05 6/30/05 7/12/06 11/27/06</u> <u>4/11/07 7/23/08</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Helmsen, Reg. No. 54,163, on 3/17/09.

The application has been amended as follows:

Cancel claims 16-18, 21-26,28-30 and 36-54.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/22/09 has been entered. Claims 1,4,5,9,10,12-18,21-26,28-32 and 36-54 are pending. Claims 16-18,21-26,28-30 and 36-54 are withdrawn.

Response to Arguments

Applicant's arguments, see remarks, page 11 with respect to capability, filed 1/22/09, with respect to the rejection of claim 1 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Claim Rejections - 35 USC § 101

3. The 35 USC 101 Machine and Transformation test was done with claims 1 and 31: Claims 1 and 31 are tied to a particular machine, the claimed biometric device. Thus, claims 1,4,5,9,10,12-15,31 and 32 pass the test.

Allowable Subject Matter

4. Claims 1,4,5,9,10,12-15,31 and 32 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowable because the prior art does not teach that one device is superior to another upon a determined match of biometric data.

Thus, claim 31 is allowable for the same reason as claim 1 and respective dependent claims are allowable, too.

The closest prior art is Kanevsky et al. (US Patent 6,529,871) that teaches correcting a biometric model upon a poor match as discussed in col. 8, lines 32-51. However, Kanevsky does not check, after correcting the model, if the model is really better than last time. Instead, Kanevsky flags problems that correspond to a poor match so that an operator can take action or performing matching again as discussed in col. 12, lines 43- 56.

Another prior art, Lo (US Patent 7,155,039), teaches that a designer desires to build improved fingerprint scanners to obtain better scans that implies better matching scores. However, Lo's designer does not clearly decide to build better scanners upon a determined match of biometric data.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario whose telephone number is (571) 272-7397. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Rosario/
Examiner, Art Unit 2624

/Matthew C Bella/
Supervisory Patent Examiner, Art
Unit 2624

-2-

Application Serial No.: 10/840,239 Attorney Docket No.: 134779.1 t 80 l

Page 3 of 17

2. (cancelled). 3. (cancelled).

4.

Art Unit: 2624

(previously presented) The method of claim 1, further comprising prompting said user for one or more additional biometric samples to employ for said generating upgraded biometric data.

5.

(currently amended) The method of claim 1, further comprising generating wherein said received biometric data comprises a biometric template generated from said received biometric data information taken from said user.

6. (cancelled). 7. (cancelled). 8. (cancelled).

9.

(original) The method of claim 1, further comprising receiving a user identification code.

10. (previously presented) The method of claim 1, wherein said generating upgraded biometric data is initiated by a third party system.

11. (cancelled). 12. (original) The method of claim 1, wherein said storing is determined by the system.

13. (original) The method of claim 1, wherein said storing comprises storing a plurality of biometric data upgrade transactions.

-3-

Application Serial No.: 10/840,239 Attorney Docket No.: 134779.11801

Page 4 of t 7

14. (currently amended) The method of claim 1, further comprising comparing, at a local biometric device, said received biometric data or a biometric template based on said

Art Unit: 2624

received biometric data with said biometric data associated with said user record.

15. (currently amended) The method of claim 1, further comprising comparing, at a central database, said received biometric data or a biometric template based on said received biometric "data with said biometric data associated with said user record.

16.

(withdrawn) A method for upgrading biometric data, the method comprising:

authorizing a user at a local biometric device, said authorization being based on a comparison of first biometric data with second biometric data, wherein said first biometric data is based on a biometric sample provided by a user to said local biometric device and said second biometric data is previously registered biometric data that is received by said local biometric device from a database;

determining whether said first biometric data is of a higher quality than said second biometric data, wherein the quality of each of said first biometric data and said second biometric data is determined at least by biometric device data; and

sending one of said first biometric data and said biometric sample to said database, wherein said one of said first biometric data and said biometric sample is used to upgrade said second biometric data stored at said database.

17. (withdrawn) The method of claim 16, further comprising sending a user identification code to said database, said user identification code being used to access said second biometric data.

18. (withdrawn) The method of claim 16, further comprising determining whether said

Art Unit: 2624

second biometric data should be upgraded.

-4-

Application Serial No.: 10/840,239 Attorney Docket No.: t 34779.11801

Page 5 of 17

19.

(cancelled).

20.

(cancelled).

21. (withdrawn) The method of claim 16, wherein the quality of each of said first biometric data and said second biometric data is further determined by minutia points of the first biometric data and the second biometric data.

22. (withdrawn) The method of claim 16, wherein the quality of each of said first biometric data and said second biometric data is further determined by aspects of clarity of the first biometric data and the second biometric data.

23. (withdrawn) The method of claim 16, wherein the quality of each of said first biometric data and said second biometric data is further determined by size of the first biometric data and the second biometric data.

24. (withdrawn) The method of claim 16, wherein the quality of each of said first biometric data and said second biometric data is further determined by liveness of the first biometric data and the second biometric data.

25. (withdrawn) The method of claim 16, wherein the quality of each of said first

Art Unit: 2624

biometric data and said second biometric data is further determined by system attendant biometric sample certification of the first biometric data and the second biometric data.

26. (withdrawn) The method of claim 25, wherein said system attendant biometric sample certification comprises a system attendant ranking.

27. (cancelled).

-5-

Application Serial No.: 10/840,239 Attorney Docket No.: 134779.11801

Page 6 of 17

28. (withdrawn) The method of claim 16, wherein said biometric device data comprises one or more of a terminal identification code, a system attendant code, a system operator identification code, and transmission capabilities information.

29. (withdrawn) The method of claim 16, further comprising receiving a request at said local biometric device that new biometric data should be forwarded to said database to upgrade previously registered biometric data.

30. (withdrawn) The method of claim 29, wherein said request is received from said database.

31. (currently amended) A method in a biometric authorization system, the method comprising:

receiving, at a database, biometric data that is based on biometric information taken from a user at a first biometric device and first biometric device data indicative of a

capability of the first biometric device;

locating, at said database, a user record registered biometric data associated with said a user record, wherein the registered biometric data was obtained via a second biometric device;

authorizing said user at said database, said authorization being based on a comparison using said received biometric data and seeing the registered biometric data ttkaMs associated with said t ocated user record;

determining whether said received biometric data is useful to upgrade said second biometric data, wherein said determining is based on a quality of said local biometric device:

upon a successful authorization, locating second biometric device data indicative of a capability of the second biometric device;

determining whether the first biometric device data indicates that the capability of the first biometric device is superior to the capability of the second biometric device; and in response to the first biometric device data indicating that the capability of the first biometric device is superior to the capability of the second biometric device:

-6-

upgrading said second registered biometric data associated with said user record using said received biometric data, if it is determined that said received biometric data is

Art Unit: 2624

useful to upgrade said second biometric data; and

storing the upgraded biometric data in association with said user record.

32. (original) The method of claim 31, wherein said locating is based on a receipt of a user identification code.

33.

(cancelled).

34.

(cancelled).

35.

(cancelled).

36.

(withdrawn) A method for upgrading biometric data, the method comprising:

receiving biometric data that is based on biometric information that is taken from a user and biometric device data:

locating a user record associated with said user; comparing registered biometric device data to said received biometric device data; and if said received biometric device data is determined superior to said registered biometric device data, substituting said received biometric data or biometric data derived from said received biometric data for previously registered biometric data in said user record.

37. (withdrawn) The method of claim 36, further comprising receiving a user identification code.

38. (withdrawn) The method of claim 36, wherein said biometric device data comprises

Art Unit: 2624

one or more of a terminal identification code, a system attendant code, a system operator identification code, and transmission capabilities information.

-7-

Application Serial No.: 10/840,239 Attorney Docket No.: 134779.1180t

Page 8 of 17

39. (withdrawn) The method of claim 36, wherein previously registered biometric device data and the previously registered biometric data are discarded.

40. (withdrawn) The method of claim 36, wherein the previously registered biometric data are marked as inactive.

41.

(withdrawn) A method for upgrading biometric data, the method comprising:

receiving user biometric data;

locating a user record associated with the user biometric data;

comparing the quality of the received biometric data to the quality of the registered biometric data; and

if the quality of the received biometric data is determined superior to the quality of the registered biometric data, substituting the registered biometric data with the received biometric data.

42. (withdrawn) The method of claim 41, further comprising receiving a user identification code.

43. (withdrawn) The method of claim 41, wherein the quality of said received biometric

Art Unit: 2624

data and said registered biometric data is determined by one or more characteristics.

44. (withdrawn) The method of claim 43, wherein the characteristics are minutia points of the received biometric data and the registered biometric data.

45. (withdrawn) The method of claim 43, wherein the characteristics are aspects of clarity of the received biometric data and the registered biometric data.

46. (withdrawn) The method of claim 43, wherein the characteristic is size of the received biometric data and the registered biometric data.

-8-

Application Serial No.: 10/840,239 Attorney Docket No.: 134779.11801

Page 9 of 17

47. (withdrawn) The method of claim 43, wherein the characteristic is liveness of the received biometric data and the registered biometric data.

48. (withdrawn) The method of claim 43, wherein the characteristic is system attendant biometric sample certification of the received biometric data and the registered biometric data.

49. (withdrawn) The method of claim 48, wherein said system attendant biometric sample certification comprises a system attendant ranking.

50. (withdrawn) The method of claim 43, wherein the characteristic is biometric device data.

51. (withdrawn) The method of claim 50, wherein said biometric device data comprises one or more of a terminal identification code, a system attendant code, a system

Art Unit: 2624

operator identification code, and transmission capabilities information.

52.

(withdrawn) A method in a biometric authorization system, the method comprising:
receiving transaction biometric data that is based on biometric information that is taken
from a user;

determining whether said received transaction biometric data is useful to upgrade
previously registered biometric data; and

if said received transaction biometric data is useful to upgrade previously registered
biometric data, then storing upgrade biometric data in a user record, said upgrade
biometric data representing a combination of said transaction biometric data and said
previously registered biometric data.

53. (withdrawn) The method of claim 52, wherein said previously registered biometric
data is obtained during an enrollment transaction, and said transaction biometric data is
obtained during a purchase transaction.

-9-

Application Serial No.: 10/840,239 Attorney Docket No.: 134779.11801

Page 10 of 17

54. (withdrawn) The method of claim 52, wherein said enrollment transaction and said
purchase transaction occur on different days.

~10-

Application/Control Number: 10/840,239
Art Unit: 2624

Page 15